United Nations S/AC.44/2007/17

Security Council

Distr.: General
2 August 2010

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 21 January 2008 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit the attached national report of the Republic of Hungary on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 21 January 2010 from the Permanent Mission of Hungary to the United Nations addressed to the Chair

National report of the Republic of Hungary on the implementation of Security Council resolution 1540 (2004)

The unanimous adoption of Security Council resolution 1540 (2004) on 28 April 2004 was an historic event. This was the first Security Council resolution to address the threat that proliferation of weapons of mass destruction and their means of delivery, in particular by non-State actors, poses to international peace and security. The mandate of the 1540 (2004) Committee was extended for another period of two years, until 27 April 2008, by Security Council resolution 1673 (2006).

The Republic of Hungary has already taken a range of legislative and executive measures that ensure compliance with Security Council resolution 1540 (2004), and it continuously reviews its policies, with a view to establishing what further action may be necessary. We are fully committed to the work of the 1540 (2004) Committee in ensuring global implementation of this resolution, including through providing assistance or advice to others, where appropriate.

The common European Union report, submitted separately, covers areas of European Union and European Community competences and activities in relation to Security Council resolution 1540 (2004) and should be read in conjunction with this document.

Legislative action: The Republic of Hungary has a wide range of legislative measures in place to prevent the proliferation and use of weapons of mass destruction, including by non-State actors. The centrepieces of this legislative framework are the following:

The Constitution, which stipulates that the Republic of Hungary renounces war as a means of solving disputes between nations and shall refrain from the use of force and the threat thereof against the independence or territorial integrity of other States. The legal system of Hungary accepts the generally recognized principles of international law, and harmonizes the country's domestic law with the obligations assumed under international law. The generally accepted principles of international law, such as the ones set out in Security Council resolution 1540 (2004), form an integral part of Hungarian law, without any further formal incorporation. In view of the above, related domestic law regulations are to be interpreted in order to ensure the effective implementation of these principles (Constitutional Court ruling No. 53/1993).

The acts and law-decrees incorporate the relevant international treaties into Hungarian law by promulgating them, hence making them accessible to the citizens and designating the competent authorities charged with their implementation. During the course of harmonizing domestic law with international obligations assumed by Hungary under international treaties on the non-proliferation of weapons of mass destruction the Hungarian Penal Code (Act IV of 1978) was amended accordingly. Under national procedures criminal law regulations are the

appropriate means for penalizing and thereby (inherently) prohibiting acts by non-State actors deemed socially harmful, or potentially dangerous to the community.

Executive and enforcement action: The Interministerial Committee on Non-Proliferation, set up by Government Decision No. 2016/1999, is responsible for actions in compliance with Hungary's commitments undertaken in non-proliferation treaties, regimes and various international initiatives. Among its other functions, the Committee discusses and forms an opinion on non-proliferation related issues and provides guidance on priorities for the work of individual ministries. This body reviews and coordinates the enforcement and practical implementation of Hungary's international non-proliferation commitments. The Committee oversees the implementation of Security Council resolution 1540 (2004). The Proliferation Security Initiative Committee is an expert level group co-chaired by the Ministry of Foreign Affairs and the Hungarian Trade Licensing Office. It coordinates the implementation of the Proliferation Security Initiative at the national level and the participation of the Republic of Hungary in international exercises organized within the framework of the Initiative.

The Hungarian National Trade Licensing Office (www.mkeh.gov.hu) which operates under the supervision of the Ministry of Economics is the national authority of the Chemical Weapons Convention. This Office is also the designated export-import licensing authority in Hungary, under the auspices of which two separate directorates issue licences respectively for the trading of conventional military equipment and technology and for dual-use goods, including transit and brokering activities (Government Decree No. 260/2006 on the Hungarian Trade Licensing Office; Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies).

The Hungarian Atomic Energy Authority (www.haea.gov.hu) assumes the regulatory duties in connection with the safety of the peaceful application of nuclear energy, particularly with the safety of nuclear materials and facilities under normal and accidental conditions and with nuclear emergencies (Act CXVI of 1996 on Atomic Energy; Government Decree No. 114 of 2003 on the scope of duty, authority and jurisdiction of imposing penalties of the Hungarian Atomic Energy Authority, and on the activities of the Atomic Energy Coordination Council).

The Customs and Finance Guard (www.vam.gov.hu) of the Republic of Hungary assumes responsibility for preventing the import and export of unlicensed goods, investigating offences, and taking appropriate action (Act XIX of 2004). The Hungarian Financial Supervisory Authority (www.pszaf.hu) tackles financial crime through ensuring reliable, continuous and transparent operation of financial markets (Act CXXXV of 2007). The Hungarian national security services play a key role in detecting and preventing the illicit trafficking of internationally controlled products and technologies (Act CXXV of 1995).

Encouraging compliance: To complement the enforcement effort, the Hungarian Trade Licensing Office and the Hungarian Customs Guards undertake compliance visits to Hungarian producers, exporters and academic institutes to ensure that they understand the relevant export controls and that they are operating within the licence terms and are aware of the risks of the transfer of results of research on nuclear, chemical, biological and dual-use technology (Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies).

In the European Union: Hungary, in its capacity as member of the European Union, fully supports the European Security Strategy entitled "A Secure Europe in a Better World" (adopted on 12 December 2003 by the European Council). This strategy identifies a number of threats for the next decade, one of these major challenges being the proliferation of weapons of mass destruction. The document under the name "European Strategy against the proliferation of weapons of mass destruction", adopted by the European Council in 2003, provides a fully fledged road map for immediate and future action.

International instruments: The Republic of Hungary is a party to the relevant international treaties, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. Hungary signed and ratified the Comprehensive Nuclear-Test-Ban Treaty and the International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on 13 April 2005 (not yet in force). Hungary has been a member State of the International Atomic Energy Agency (IAEA) since 1957 and has concluded an IAEA safeguards agreement and an additional protocol thereto. We have ratified the Convention on the Physical Protection of Nuclear Material and are considering the ratification of the modified Convention on the Physical Protection of Nuclear Material (foreseen for the spring of 2008).

Hungary is a participating state in the following export control regimes: the Missile Technology Control Regime, the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, the Wassenaar Arrangement, and the Hague Code of Conduct. Hungary is due to take up the plenary chairmanship of the Hague Code of Conduct in 2008, and subsequently will assume the chair of the Nuclear Suppliers Group in 2009.

Hungary lent its full support to the aims of the Proliferation Security Initiative early on and has taken part in practical exercises organized within that framework. The Initiative aims to help prevent trafficking in weapons of mass destruction and related material by both State and non-State actors. The Initiative's statement of interdiction principles, agreed upon in Paris on 4 September 2003, makes it clear that all action will be consistent with national legislations and international legal frameworks. In 2007 Hungary joined the Global Initiative to Combat Nuclear Terrorism, launched by the United States of America and the Russian Federation.

Technical assistance to other states: The Republic of Hungary recognizes that some States may require assistance in implementing the provisions of Security Council resolution 1540 (2004) within their territories. In this connection we are willing to provide assistance as appropriate to States lacking the legal and regulatory infrastructure, implementation experience needed to fulfil the provisions of the resolution. The Republic of Hungary has participated in outreach programmes of the international export control regimes.

Between 2005 and 2007, within the framework of the Australia Group export control regime, Hungary, with Bulgaria, organized training and assistance seminars for five countries of the Western Balkans in the field of the capacity-building in regard to the legislative background and political functioning of their respective national export control systems.

Hungary is proud to have hosted a Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) onsite inspection advanced training course for experts from

States signatories, which was held in Szolnok and Táborfalva from 21 October to 2 November 2007.

Comments in relation to the specific issues contained in Security Council resolution 1540 (2004)

Paragraph 1: *Decides* that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

The Government of Hungary is fully committed to this principle and does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons prohibited by international treaties. The legal system of Hungary accepts the generally recognized principles of international law, without having to formally incorporate them into Hungarian law. The above listed acts are therefore penalized and (inherently) forbidden under Hungarian criminal law. Perpetrators of such acts, including abettors and accomplices are severely prosecuted.

Paragraph 2: *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Action taken: promulgating Law-Decree No. 12/1970 on the Treaty on the Non-Proliferation of Nuclear Weapons, Law-Decree No. 11/1975 on the Biological and Toxin Weapons Convention and Act CIV of 1997 on the Chemical Weapons Convention incorporated the cited international treaties into Hungarian law.

The commentary attached to the Hungarian Penal Code (Act IV of 1978) in Section 160/A explicitly mentions and briefly introduces Security Council resolution 1540 (2004) and gives an insight into the reasons behind the recent amendments undertaken in order to ensure compliance with the resolution.

Section 264/C of the above Code classifies as felonies, and hence penalizes and strictly forbids, the production, acquisition, possession, development and transportation of arms prohibited under international treaties by non-State actors. The first two paragraphs of Section 264/C, "Crimes with weapons prohibited by international conventions" reads as follows: (1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international conventions, or transfers such weapons to a person without proper authorization, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, is guilty of a felony punishable by imprisonment between five to fifteen years. (2) Any person who constructs or operates a facility for the production of weapons prohibited by international convention without the authorization prescribed by law, or inconsistent with the provisions of the authorization, or converts an existing facility for the production of such weapons, or misleads the body or person vested with authority for the authorization of the operation of such facility as prescribed by law, shall be punishable as set forth in subsection (1).

The general provisions (sections 19 to 21) of the Penal Code stipulate that parties to a crime include the perpetrator and the co-actor (parties to a crime), the abettor and the accomplices (conspirators). The latter is defined as being a natural person intentionally granting assistance, including financial assistance or contributions, for the perpetration of a crime. The sentence applicable to parties to a crime is also applied to conspirators.

Section 261/A (breach of obligation under international law) sanctions violators of international economic, commercial, financial or trade sanctions.

Other relevant sections of the Penal Code penalizing and prohibiting the commission of acts related to weapons of mass destruction include Section 160/A on the (wartime) use of weapons prohibited by international convention; Section 261 on acts of terrorism; Section 264 on the misuse of radioactive substances; Section 264/A on the illegal operation of nuclear facilities; Section 264/B on crimes in connection with nuclear energy. The recently amended Section 263/B of the Penal Code penalizes all violation of rules and regulations pertaining to the trading of military equipments and services, dual-use products and technologies.

Combating the financing of the proliferation of weapons of mass destruction: Act CXXXV on the Hungarian Financial Supervisory Authority; Act No. CXXXVI of 2007 on the prevention and containment of money-laundering and terrorism related activities; Act No. CXXXVII of 2007 on the revision of existing legislation covering financial services, adopted for the purposes of European Union legal harmonization;

Paragraph 3: *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall: (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Action taken: promulgating Law-Decree No. 12/1970 on the Treaty on the Non-Proliferation of Nuclear Weapons, Law-Decree No. 11/1975 on the Biological and Toxin Weapons Convention and Act CIV of 1997 on the Chemical Weapons Convention incorporated the cited international treaties into Hungarian law.

Act CXVI of 1996 on atomic energy declares as an underlying principle that the Republic of Hungary shall promote the peaceful and safe use of atomic energy through the means of international cooperation (section 3 of the Act). It sets out a comprehensive control regime with safeguards attached to it, and creates the relevant institutional framework. The Government Decree No. 114/2003 on the powers, duties, the sanctioning authority of the Hungarian Atomic Energy Authority and the functioning of the Atomic Energy Coordinating Council should be noted as well. At the national level, the Hungarian Atomic Energy Authority, in cooperation with technical support institutes, carries out verification of all nuclear-related material. Inspectors of IAEA have regularly carried out verifications of national records since 1999.

On 30 March 1972 the Agreement for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons was signed with IAEA (promulgated by Law-Decree No. 9/1972). In 1998 the Parties signed an additional protocol to the Agreement (promulgated by Act XC of 1999). The latter

document established a national record system and data control for long-term projects, research and development, as well as manufacturing and export-import activities related to nuclear fuel cycles, sites and other facilities. Hungary submits its declarations to IAEA under the additional protocol based on the national record system.

Since 1 May 2004 Hungary has been party to the Treaty Establishing the European Atomic Energy Community (Euratom), chapter 7 of which deals with nuclear safeguards. Those safeguards are implemented by the European Commission, which is mandated under the Treaty to verify that civil nuclear material is not diverted from its declared use. The agreement and the additional protocol thereto between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the European Atomic Energy Community and IAEA in implementation of article III, (1) and (4) of the Treaty on the Non-Proliferation of Nuclear Weapons was promulgated by Act LXXXII of 2006.

In the field of nuclear security pieces of relevant legislation include the Decree No. 7 of 2007 issued by the Ministry of Justice and Law Enforcement on the System of Accounting for and Control of Nuclear Materials; Decree No. 33 of 2004 issued by the Ministry of Interior on the central and local registry of radioactive substances; Government Decree No. 17 of 1996 on located and confiscated radioactive and nuclear substances which sets out coordinating procedures for authorities involved in detection, confiscation and verification of nuclear and radioactive materials illegally possessed or trafficked.

Act XXV of 2000 on chemical safety sets out the obligations pertaining to the registry of (accounting for), the secure storage of, the secure transport of, the secure packaging of the related dangerous substances and agents. The Hungarian Trade Licensing Office, in its capacity as the national authority on the Chemical Weapons Convention, registers, controls and licenses operations related to chemical agents, substances (Government Decree No. 212/1998 on the implementation and control of the declaration liability arising from the Chemical Weapons Convention).

Decree No. 61 of 1999 issued by the Ministry of Public Health on the protection of workers from the risks related to biological agents foresees inter alia the registry of these items, obligatory medical supervision and control, the introduction of appropriate protective measures for industry and laboratory venues/processes dealing with biological agents.

Relevant Penal Code provisions include Section 265, "Misuse of poison": Any person who — without proper authorization — prepares, possesses or distributes poison, or who fails to take the measures prescribed for the prevention of any illegal use of poisons or for the protection of others is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine. Section 281/A (1) "Unlawful disposal of waste hazardous to the environment": Any person who — without the authorization prescribed by law or inconsistent with the provisions of the authorization — collects, stores, handles, disposes or transports any waste containing a substance capable of: (a) endangering human life, physical safety, health; (b) polluting water, air, soil or causing permanent changes therein; (c) endangering animals or plants; is guilty of a felony punishable by imprisonment for up to five years ...". Section 284 "Violation of epidemic and control regulations": (1) Any person who infringes the rules of quarantine, epidemiological

supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine. (2) Any person who infringes at the time of an epidemic the rules ordered for isolation, epidemiological supervision or control, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine. (3) Any person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or pests which are harmful to vegetation, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine.

European Union legislation includes Commission Regulation No. 302/2005 on the application of Euratom safeguards; Council Directive No. 1967/548 on the approximation of national provisions relating to dangerous substances; Council Directive No. 1998/24 on the protection of workers from the risks related to chemical agents; Council Directive No. 2000/54 on the protection of workers from the risks related to biological agents; Directive No. 1994/55 on the approximation of laws of the member states with regard to the transport of dangerous goods by road, Directive No. 1996/49 (by rail);

Examples of other international agreements incorporated into Hungarian law include the Cartagena Protocol on biosafety to the Convention on Biological Diversity (Act CIX of 2004); Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (Government Decree No. 266/2004); the European agreements on the transport of dangerous goods by road, by rail, by inland waterways, not yet in force (Law Decree No. 19/1979, Decree No. 47/2005 issued by the Ministry of Economics and Transport and the latter agreement ratified by Parliament Decision No. 11/2004);

(b) Develop and maintain appropriate effective physical protection measures;

Action taken: Penalization and prohibition of acts related to physical protection include (relevant excerpts from Act IV of 1978 on the Penal Code): Section 264 "Misuse of radioactive substances": (1) Any person who — without a proper authorization — produces, acquires, possesses, distributes, processes or otherwise uses a radioactive substance or preparation that is dangerous to health or the environment, or transfers it to an unauthorized person is guilty of a felony punishable by imprisonment for up to five years. (2) Any person who produces, stores, transports or disposes radioactive substance by infringing any legal obligation shall be punishable according to Subsection (1). Section 264/A "Illegal operation of nuclear facilities": Any person who — without the authorization prescribed by law or inconsistent with the provisions of the authorization — operates a nuclear facility is guilty of a felony punishable by imprisonment for up to five years. (2) The person who commits the crime defined in Subsection (1) as a part of criminal conspiracy shall be punishable by imprisonment between two to eight years. Section 264/B, "Crimes in connection with nuclear energy": Any person who — in order to obtain the authorization prescribed by law for the use of nuclear energy — misleads the body or person vested with decision-making powers is guilty of a felony punishable by imprisonment for up to five years. (2) The person who fails to perform his obligation of notification in connection with the application of

nuclear energy as prescribed by law shall be punishable by imprisonment for up to three years.

Related national legislation include Government Decree No. 89/2005 on security requirements applicable to nuclear facilities and related official functions; Act LXXIV of 1999 on the organizational framework and supervision of catastrophe prevention and containment of the fallout from serious accidents involving dangerous substances; Government Decree No. 2/2001 on the containment of the fallout from accidents involving dangerous substances.

The Hungarian Academy of Sciences, in its capacity as supervisor of research institutes, introduced rules and regulations covering a wide range of activities related to the Biological and Toxin Weapons Convention. General biological safety rules are adopted and subsequently adapted in each and every case to the specific conditions and requirements of the respective institutions. Special measures have been put into place to ensure the physical protection of the research institutes to prevent unauthorized access to and removal of pathogenic or toxic material from laboratory sites. The transportation, storage and destruction of these items is also carefully monitored. Biological safety and security is ensured through the adoption of related rules of procedures and constant training of laboratory staff and personnel. Research institutes must work out appropriate contingency planning so as to be in the position to effectively deal with contingency situations.

National rules and regulations pertaining to the physical protection of microbial or other biological agents and toxins are based on norms set by the World Health Organization (WHO) and the United States Centers for Disease Control. Under Act No. XLVII of 1997 on the management and protection of health related data and relevant personal data, a reporting obligation is foreseen for cases of infectious diseases resulting from biological pathogens and toxins (Centers for Disease Control "Category A", bioterrorism agents/diseases like anthrax, plague). Government Decree No. 362 of 2006 sets out the duties and tasks of the National Public Health and Medical Officer Service (www.antsz.hu).

In 1999 a biological security programme was initiated by the Ministry of Defence in view of the fact that microbiological agents and threats from biological sources show some distinguishable and unique features in comparison to chemical or nuclear weapons of mass destruction. Conventional field detection ways and methods are not suitable for their detection and subsequent laboratory analysis. These considerations lead to the establishment of a rapid deployable biosafety level 3 army laboratory ready to deal with the detection and identification of bioterrorism agents. Its primary task is to provide safe conditions for sample handling, effective sample preparation and clean sample manipulation. In approximately two hours and fifteen minutes the laboratory becomes operational. To reach full state of readiness an additional four-hour preparation period is necessary. This laboratory played a key role in providing security from potential biological threats during the 2004 Olympic Games held in Athens.

The Hungarian Biotechnology Association was established by Hungary's leading human biotechnology companies with the aim of promoting the development and interests of the Hungarian biotechnology sector. The Association is strict in condemning any form of research and development, which could potentially contribute to the development or proliferation of biological and toxin weapons of mass destruction.

Obligations assumed under international treaties include: the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Act. No. 104 of 2004); Convention on Nuclear Safety done at Vienna on 20 September 1994 (Act I of 1997); Convention on the Physical Protection of Nuclear Material done at Vienna and New York on 3 March 1980 (Law Decree No. 8/1987). Planned action: Hungary is considering ratifying the amended Convention on the Physical Protection of Nuclear Material.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Act XIX of 2004 on the Hungarian Customs and Finance Guard, the European Community Customs Code and Act LXXII of 2004 on the implementation of the Community Customs Code in Hungary empower competent agencies and officers alike with executive powers necessary for the effective detection, interdiction and confiscation of prohibited items.

The Hungarian Trade Licensing Office carries out compliance visits to Hungarian manufacturers, exporters and academic institutes (Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies). Government Decree No. 262 of 2006 mandates the Trade Licensing Office to impose administrative fines for the cases of non-compliance with established rules and regulations. Hungarian national security services play a key role in detecting and preventing the illicit trafficking of internationally controlled products and technologies (Act CXXV of 1995).

Section 263/B of the Penal Code penalizes the violation of rules and regulations pertaining to the trading of military equipments and services, dual-use products and technologies.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Legislation include Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263 of 2004 on the control of nuclear-related dual-use items; and Government Decree No. 60 of 2006 on the powers and duties of the Hungarian Trade Licensing Office.

The Hungarian Trade Licensing Office is the export-import licensing authority in Hungary, under the auspices of which two separate directorates issue licences for the trading of conventional military equipment and technology and for dual-use goods, including transit and brokering activities (Government Decree No. 260 of 2006 on the Hungarian Trade Licensing Office). The Export Control Department of the Hungarian Trade Licensing Office licenses the export and import of dual-use products (Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies).

The Hungarian Atomic Authority acts as an initial licensing body under Government Decree No. 263 of 2004 on the control of nuclear and nuclear-related dual-use items for the export, import and transit of nuclear material and nuclear dual-use items.

The European Union acquis applicable in Hungary includes European Council Regulation 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology (last amended by Council Regulation EC/394/2006); Community Customs Code (Council Regulation EEC/2913/92); and the European Union strategy against the proliferation of weapons of mass destruction adopted on 12 December 2003.

Section 263/B of the Penal Code penalizes the violation of rules and regulations relating to the trading of military equipments and services, dual-use products and technologies.

Paragraph 5: *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

Hungary is a State party to the Nuclear Non-Proliferation Treaty; the Chemical Weapons Convention; and the Biological and Toxin Weapons Convention.

Paragraph 6: *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Hungary is a strong supporter of effective multilateral export control regimes and is working to raise international standards. It is an active member of the Nuclear Supplier's Group, the Australia Group, the Missile Technology Control Regime, the Zangger Committee, the Wassenaar Arrangement and the Hague Code of Conduct on Ballistic Missiles.

Paragraph 7: *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Hungary recognizes that some States may require assistance in implementing the provisions of the resolution within their territories. In that connection Hungary is ready to share its experiences of developing and maintaining effective controls over nuclear, biological, chemical material as well as dual-use goods and technologies.

Paragraph 8 of the resolution calls upon all States: (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

The implementation of relevant European Union common positions and joint actions promoting the universalization of and full compliance with the key multilateral non-proliferation instruments (including the Chemical Weapons

Convention, the Biological and Toxin Weapons Convention and the Nuclear Non-Proliferation Treaty).

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Action taken: Penalization and thereby (implicit) prohibition under Hungarian Penal Code (Act IV of 1978) of acts committed by non-state actors in violation of related international treaties. Law-Decree No. 12/1970 on Hungary's ratification and subsequent promulgation of the Treaty on the Non-Proliferation of Nuclear Weapons; Act CIV of 1997 on Hungary's ratification and subsequent promulgation of the Chemical Weapons Convention; Law-Decree No. 11/1975 on Hungary's ratification and subsequent promulgation of the Biological and Toxin Weapons Convention;

Act LXVI of 1996 on Nuclear Energy; Law-Decree No. 9/1972 on the conclusion of a safeguards agreement between Hungary and IAEA; Act XC/1999 on the conclusion of an Additional Protocol (signed in 1998) for the application of the safeguards agreement between Hungary and IAEA; Government Decree No. 50 of 2004 on Licensing of Foreign Trade in Dual-Use Goods and Technologies; Government Decree No. 263 of 2004 on the control of nuclear-related dual-use items;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Action taken: Hungary continues to provide full support for the aims and activities of IAEA, both as a State party and, until September 2005, as member of the Board of Governors. Hungary launched a support programme aimed at strengthening the IAEA's safeguards system. It continues to provide full support for the aims and activities of the Organization for the Prohibition of Chemical Weapons, both as a State party and in special periods when it is a member of the Executive Council (e.g. between 2001-03). Hungary is also fully committed to strengthening the BWC. Hungary actively participated in the development of a "follow-up process" to promote negotiations on the advancement of a verification process for this convention. Hungary is due to take up the plenary chairmanship of the Hague Code of Conduct in 2008, and subsequently will assume the chair of the Nuclear Suppliers' Group in 2009.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Action taken: Establishment of close working relationship with industry, established through Government/industry committees, awareness-raising seminars and workshops. The Government of Hungary provides advice and assistance to industry and academia in meeting their obligations stemming from Hungary's international treaty obligations. Information is regularly disseminated through Government websites, publications and leaflets. Hungary participates in the implementation of the European Union strategy on weapons of mass destruction.

Paragraph 9: Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Hungary continues to promote dialogue and cooperation on non-proliferation in a range of forums so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons and their means of delivery.

Paragraph 10: Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Action taken: Hungary maintains regular and direct contact with other States and their respective authorities and works together with them to achieve the aims set out in Security Council resolution 1540 (2004).